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U.S. DISTRICT COURT E.D.N.Y.

★ JUN 12 2008 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

-----X
PHILLIP PITTER,

Plaintiff,

-against-

THE CITY OF NEW YORK, et al.,

Defendants.

**STIPULATION AND
ORDER OF
SETTLEMENT AND
DISMISSAL**

08-CV-1436 (DGT)(RML)

-----X
WHEREAS, plaintiff commenced this action by filing a complaint on or about October 2, 2007, alleging that defendants violated his federal civil and state common law rights; and

WHEREAS, on March 7, 2008, in accordance with 28 U.S.C. §1404(a) and in the interests of justice, the maximum convenience to the parties and witnesses, and the efficient management of the Court's docket, the Clerk of the Court for the Southern District of New York transferred the case to the Eastern District of New York; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. Defendant City of New York, hereby agrees to pay plaintiff **PHILLIP PITTER** the sum of **THREE THOUSAND FIVE HUNDRED (\$3,500.00) DOLLARS**, in full

satisfaction of all claims, including claims for costs, expenses and attorney's fees. In consideration for the payment of this sum, plaintiff agrees to the dismissal of all the claims against defendants City of New York, Police Commissioner Raymond Kelly, Deputy Inspector Robert Brower, Detective William Downey and Detective Donald Lamanque, and to release all defendants; their successors or assigns; and all past and present officials, employees, representatives, and agents of the City of New York, or any agency thereof, from any and all liability, claims, or rights of action that were or could have been alleged in the complaint in this action, including all claims for attorney's fees, expenses, and costs.

3. Plaintiff shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a *general release* based on the terms of paragraph "2" above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation and settlement shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.


6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
May 15, 2008

STOLL, GLICKMAN & BELLINA
71 Nevins Street
Brooklyn, New York 11217
Attorneys for Plaintiff
718-852-4491

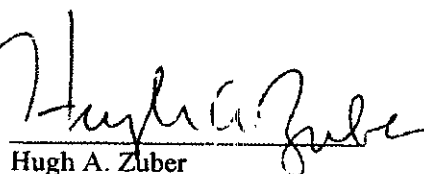
MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendants
100 Church Street
New York, N.Y. 10007
(212) 442-0832

By:



Nicole Bellina
Attorney for Plaintiffs

By:



Hugh A. Zuber
Assistant Corporation Counsel

SO ORDERED:

s/DGT

HON. DAVID G. TRAGER
UNITED STATES DISTRICT JUDGE

6/11/08



**THE CITY OF NEW YORK
LAW DEPARTMENT**

100 CHURCH STREET
NEW YORK, NY 10007

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June 5, 2008

BY ECF

Honorable David G. Trager
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Phillip Pitter v. City of New York, et al.,
08 CV 1436 (DGT)(RML)

Your Honor:

I am an attorney in the office of Michael A. Cardozo, Corporation Counsel of the City of New York assigned to the defense of the above-referenced federal civil rights lawsuit. The parties have reached a settlement of this case. Simultaneously with this letter, I have filed via ECF a copy of the executed Stipulation and Order of Settlement and Dismissal dated May 15, 2008. I respectfully write to request that the Court "so order" the Stipulation.

Thank you for your consideration of these requests.

Respectfully submitted,

A handwritten signature in cursive script, reading "Hugh A. Zuber".

Hugh A. Zuber (HZ 4935)
Assistant Corporation Counsel

Enc. (Stipulation filed via ECF)
cc: Nicole Bellina (by ECF)